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**IN THE
COURT OF APPEALS OF INDIANA**

SANDRA WONG,

Appellant-Defendant,

vs.

STATE OF INDIANA,

Appellee-Plaintiff.

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No. 49A02-0702-CR-154

APPEAL FROM THE MARION SUPERIOR COURT
CRIMINAL DIVISION, ROOM 21
The Honorable Melissa H. Kramer, Temporary Judge
Cause No. 49G21-0611-CM-214011

October 23, 2007

MEMORANDUM DECISION – NOT FOR PUBLICATION

RILEY, Judge

STATEMENT OF THE CASE

Appellant-Defendant, Sandra Pierce Wong (Wong), appeals her conviction for invasion of privacy, a Class A misdemeanor, Ind. Code § 35-46-1-15.1.

We affirm.

ISSUE

Wong raises one issue on appeal, which we restate as: Whether the State presented sufficient evidence beyond a reasonable doubt to sustain Wong's conviction for invasion of privacy.

FACTS AND PROCEDURAL HISTORY

On November 5, 2006, around 8:00 p.m., Wong her brother, and a friend went to the residence of Patrick Wong (Patrick), Wong's ex-husband, to receive a few of Wong's belongings. Patrick and Wong had been separated, and during that time, both Wong and Patrick had filed *ex parte* protective orders against the other. On October 3, 2005, Patrick filed an *ex parte* protective order against Wong which states that she is "prohibited from harassing, annoying, telephoning, contacting, or directly or indirectly communicating with the Petitioner, except to exchange children for parenting time." (State's Exhibit 1 p. 2).

Prior to this incident on October 30, 2006, Wong had filed a Proposed Decree for Dissolution of Marriage. According to the decree, "[Patrick] shall make available for pick-up by [Wong], the following personal property: one (1) 61" television, the washer and dryer, and the make-up stand with seat." On October 30, 2006, the trial court signed the Order for Dissolution of Marriage. (Defendant's Exh. A p. 7).

When Wong, her brother, and friend attempted to retrieve Wong's belongings from Patrick's residence, he refused to answer the door. Then, both Wong and Patrick notified the police. Officer Thomas Clark (Officer Clark) of the Indianapolis Metropolitan Police Department responded to the dispatch. When he arrived, Wong was standing at the street and she told Officer Clark she was trying to retrieve her personal belongings. The Officer verified that Wong was in violation of the protective order that had been previously issued and arrested Wong.

On November 6, 2006, the State filed an Information charging Wong with invasion of privacy, a Class A misdemeanor, I.C. § 35-46-1-15.1. On January 18, 2007, a bench trial was held and the trial court found Wong guilty as charged. That same day, Wong was sentenced to 365 days with 361 days suspended to probation.

Wong now appeals. Additional facts will be provided as necessary.

DISCUSSION AND DECISION

Wong contends the evidence presented by the State was insufficient to sustain her conviction for invasion of privacy. Specifically, Wong argues that the State failed to prove that she knowingly or intentionally had contact with Patrick in violation of the protective order.

Our standard of review for a sufficiency of the evidence claim is well settled. In reviewing sufficiency of evidence claims, we will not reweigh the evidence or assess the credibility of the witnesses. *White v. State*, 846 N.E.2d 1026,1030 (Ind. Ct. App. 2006), *trans. denied*. We will consider only the evidence most favorable to the judgment together

with all reasonable and logical inferences to be drawn therefrom. *Id.* The conviction will be affirmed if there is substantial evidence of probative value to support the conviction of the trier of fact. *Id.*

I.C. § 35-46-1-15.1 provides, in its relevant part, “that a person who knowingly or intentionally violates an *ex parte* protective order commits invasion of privacy, a Class A misdemeanor.” Protective orders restrain persons from abusing, harassing, or disturbing the peace of the protected person either by direct or indirect contact. *Huber v. State*, 805 N.E.2d 887, 892 (Ind. Ct. App. 2004). To violate a protective order, one must have contacted the protected party directly or indirectly. *Id.* at 892.

Wong argues she did not violate the *ex parte* protective order because she was authorized by the decree for the dissolution of the marriage to seek possession of the items listed therein. We disagree. According to the *ex parte* orders statute, I.C. § 34-26-5-9 (b)(5), in order for Wong to recover the items stipulated by the decree for the dissolution of marriage, the trial court may order possession and use of the residence, an automobile, and other essential personal effects, regardless of the ownership of the residence, automobile, and essential personal effects. Additionally the statute states, “If possession is ordered under this subdivision, the court may direct a law enforcement officer to accompany a petitioner to the residence of the parties to: (A) ensure that a petitioner is safely restored to possession of the residence, automobile, and other essential personal effects; or (B) supervise a petitioner’s or respondent’s removal of personal belongings.” I.C. § 34-26-5-9(b)(5). No such language was included in the decree for the dissolution of the marriage indicating Wong could seek

possession of the items listed in the decree prior to the expiration of the *ex parte* protective order.

Furthermore, I.C. § 34-26-5-9(e) states, “[a]n order for protection issued *ex parte* or upon notice and a hearing, or a modification of an order for protection issued *ex parte* or upon notice and a hearing, is effective for two (2) years after the date of issuance unless another date is ordered by the court.” The *ex parte* protective order issued against Wong is effective until October 3, 2007. Additionally, the decree for dissolution of marriage filed with the court on October 30, 2006 does not stipulate when Patrick had to make the items available to Wong. Thus, because the trial court did not specifically order Wong to seek possession of the items at an earlier date, the *ex parte* protective order remains in effect until October 3, 2007 and prohibits Wong from contacting directly or indirectly communicating with Patrick. Therefore, Wong’s act of attempting to retrieve her belongings violated the *ex parte* protective order and constituted invasion of privacy.

CONCLUSION

Based on the foregoing, we conclude the State presented sufficient evidence beyond a reasonable doubt to support Wong’s conviction for invasion of privacy.

Affirmed.

SHARPNACK, J., and FRIEDLANDER, J., concur.